

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

NO. 4:22-CV-13-FL

KAROLINA SORENSSON,

Plaintiff,

v.

STATE OF NORTH CAROLINA,
KINSTON POLICE DEPARTMENT, and
LENOIR COUNTY COURT,

Defendants.

ORDER

This matter is before the court for review of plaintiff's pro se complaint, (DE 1-1), pursuant to 28 U.S.C. § 1915(e). United States Magistrate Judge Robert B. Jones, Jr., entered order and memorandum and recommendation ("M&R"), pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), wherein it is recommended that the court dismiss plaintiff's complaint. (DE 7). Plaintiff objected to the M&R. In this posture, the issues raised are ripe for ruling. For the following reasons, the court dismisses plaintiff's complaint.

BACKGROUND

Plaintiff initiated this action February 15, 2022, by moving for leave to proceed in forma pauperis. In July 11, 2022, order and M&R, the magistrate judge allowed plaintiff to proceed in forma pauperis and, on frivolity review, recommended that plaintiff's complaint be dismissed. Objections to the M&R were due by July 25, 2022. Plaintiff filed on August 1, 2022, objections dated July 20, 2022.

The court adopts and incorporates herein by reference in full the M&R's factual summary. (See M&R (DE 7) at 3-4). To the extent plaintiff raises new factual assertions in her objections, they are not properly before the court. Moreover, the new, sprawling factual narrative proffered by plaintiff in her objections does not change the analysis of the M&R as to the instant defendants named specifically by plaintiff.

DISCUSSION

A. Standard of Review

The district court reviews de novo those portions of a magistrate judge's M&R to which specific objections are filed. 28 U.S.C. § 636(b). The court does not perform a de novo review where a party makes only "general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations." Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). Absent a specific and timely filed objection, the court reviews only for "clear error," and need not give any explanation for adopting the M&R. Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983). Upon careful review of the record, "the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Under 28 U.S.C. § 1915(e)(2), the court may dismiss an action that is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief.

B. Analysis

The M&R identifies plaintiff's claims against defendants as arising under 42 U.S.C. § 1983, if anything, and as asserting violations of the Fourth Amendment, specifically, and her civil rights generally. The magistrate judge concluded that plaintiff fails to state claims upon which

relief can be granted and that she seeks monetary relief against defendants immune from such relief. Plaintiff's objections are untimely and for that reason alone ineffective. See Thompson v. E.I. DuPont de Nemours & Co., 76 F.3d 530, 534 (4th Cir. 1996) ("[T]he unincarcerated litigant who decides to rely on the vagaries of the mail must suffer the consequences if the [filing] fails to arrive within the applicable time period."). Further, she fails to identify with particularity any error in the magistrate judge's analysis, and, rather, focuses on detailing new allegations against unrelated individuals or individuals already a part of other pending cases filed by her. See, e.g., Complaint at 5, Sorensson v. Willis, No. 4:21-CV-94-FL (E.D.N.C. July 7, 2022) (detailing plaintiff's allegations regarding being arrested for vomiting in Shawna Enderle's patrol vehicle and being denied medication while in custody, as recounted again in plaintiff's instant objections).

Upon careful review of the M&R, in light of the absence of specific and timely filed objections, the court finds the magistrate judge's analysis to be thorough, and there is no clear error.

CONCLUSION

Based on the foregoing, the court ADOPTS the recommendation in the M&R (DE 7). Plaintiff's complaint is DISMISSED. The clerk of court is DIRECTED to close the case.

SO ORDERED, this the 29th day of August, 2022.



LOUISE W. FLANAGAN
United States District Judge